THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 22945 of 2003

Dated: 07.03.2007

Between:

Arumulla Janardhan.

..... PETITIONER

AND

The Chief Engineer, Southern Power Distribution Company of A.P. Limited, Nellore and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 22945 of 2003

Order:

This writ petition is filed seeking to declare the action of the respondents in not considering the case of the petitioner for absorption/appointment in any of the suitable post in the available vacancies, as illegal and arbitrary.

The petitioner states that he worked as casual labour in the respondent-APSPDCL from the year 1979 to 1983. He states that when his case for absorption was not considered by the respondent-APSPDCL, he filed W.P. No. 27245 of 1997, and this Court, by order dated 22.10.1997, disposed of the said writ petition directing the respondent-APSPDCL to consider his case in the light of B.P. Ms. No. 36, dated 18.05.1997. He further states that pursuant to the said directions of this Court, he was called for interview, but so far no appointment order is issued to him. Hence, he filed the present writ petition.

A counter affidavit is filed by the respondents *inter alia* stating that in pursuance of the orders of this Court in W.P. No. 27245 of 1997, the petitioner was interviewed on 06.04.1998, and during the course of interview as it was found that the petitioner was not on rolls as on 18.05.1997, his case was rejected, by order dated 21.05.1998.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-APSPDCL.

The main contention of the learned counsel for the petitioner is that the respondent-APSPDCL, having called the petitioner for interview, now cannot reject his case on the ground that he was not on rolls as on 18.05.1997. I am unable to accept the said contention, for as per the provisions of B.P. Ms. No. 36, dated 18.05.1997, the person seeking

absorption/appointment in the existing vacancies of 50% quota, must be on rolls as on 18.05.1997, and since the petitioner was said to be not on rolls of the contractor as on 18.05.1997, the respondent-APSPDCL rejected his case for absorption. Simply because the petitioner was called for interview, it does not mean that he is entitled for absorption as a matter of right. Therefore, no exception can be taken to the rejection order passed by the respondent-APSPDCL.

The writ petition is devoid of merit and the same is accordingly dismissed. No costs.

_____

N.V. RAMANA, J.

Date: 07.03.2007
Nsr/Sj